

Message Text

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INFO AEC GERMANTOWN

USOECN PARIS 2838

AMEMBASSY LONDON

AMEMBASSY BONN

USMISSION EC BRUSSELS

UNCLAS SECTION 1 OF 3 IAEA VIENNA 5490

AEC ALSO FOR COMMISSIONER DOUB

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TAGS: TECH, IAEA

SUBJECT: IAEA BOARD OF GOVERNORS - NUCLEAR SAFETY
PROGRAM

REF: IAEA VIENNA 5286

1. SUMMARY: IMMEDIATELY PRIOR TO BOARD MEETING, UK INFORMED US MISSION OF AMENDMENTS TO BE PROPOSED BY UK, FRANCE AND FRG TO DESCRIPTION OF PORPOSED EXPANSION OF AGENCY'S NUCLEAR SAFETY PROGRAM IN PROGRAM OF WORK FOR 1975. INFORMAL CONSULTATIONS PROVED UNABLE TO RESOLVE THEIR OBJECTIONS IN TIME REMAINING BEFORE BOARD HAD TO ACT. ACCORDINGLY, BOARD AMENDED LANGUAGE OF PROGRAM DOCUMENT RELATING TO THIS ACTIVITY, AND DELETED ANNEX TO PROGRAM SECTION WHICH DISCUSSED GENERAL MANNER IN WHICH ACTIVITY WOULD BE IMPLEMENTED. DG WILL CONVENE MEETING ON JULY 1-5 TO CONSUL FURTHER ON IMPLEMENTATION THIS ACTIVITY. MISSION HAS IMPRESSION THAT UK AND FRG

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CONCERNS CAN BE RESOLVED BUT THAT FRENCH APPEAR DETERMINED

TO BLOCK IMPORTANT ELEMENTS OF ACTIVITY AND THAT BOARD IN SEPTEMBER MAY HAVE TO DECIDE TO PROCEED OVER FRENCH OBJECTION. END SUMMARY.

2. IMMEDIATELY PRIOR TO BOARD OF GOVERNORS MEETING ON JUNE 11, UK MISSION INFORMED USDEL THAT UK, FRENCH AND FRG EXPERTS IN FIELD OF NUCLEAR SAFETY HAD MET IN BRUSSELS ON MAY 29, AND HAD AGREED ON SET OF AMENDMENTS WHICH THEY PROPOSED TO PUT FORWARD AT BOARD MEETING TO TEXT OF DOCUMENT CONTAINING AGENCY'S PROGRAM FOR 1975-80 AND BUDGET FOR 1975. THESE AMENDMENTS (FULL TEXT TRANSMITTED SEPTTEL) DEALT WITH DESCRIPTION OF PROPOSED EXPANSION OF AGENCY ACTIVITIES FOR PREPARATION OF SAFETY STANDARDS FOR NUCLEAR POWER REACTORS, AS CONTAINED IN DOCUMENT GOV/1656/MOD.1, CHAPTER J AND ANNEX THERETO, AND THEIR APPARENT EFFECT WAS TO LIMIT AGENCY ITSELF, AT LEAST INITIALLY, TO COMPILEMENTATION OF EXISTING STANDARDS OF INDIVIDUAL MEMBER STATES, RATHER THAN ATTEMPTING TO PREPARE GENERALLY-AGREED AGENCY RECOMMENDED "SAFETY GUIDES", AS DESCRIBED IN PARA 4(A) OF ANNEX. ACCORDING TO UK RESREP, HE AND FRENCH RESREPS HAD RECEIVED WORD OF THIS BRUSSELS MEETING ONLY DAY OR TWO BEFORE BOARD MEETING.

3. FYI: ONE WEEK EARLIER, FRG MISOFF HAD INFORMED MISSION THAT THIS MEETING HAD TAKEN PLACE, BUT FRG VIENNA MISSION CONTINUED, UNTIL BOARD WAS ABOUT TO OPEN, TO BELIEVE THAT CONCERNS OF ITS EXPERT COULD BE SATISFIED BY STATEMENTS OF UNDERSTANDING ON BOARD RECORD AS TO WHAT MEMBERS DID, OR DID NOT, ENVISION THIS ACTIVITY AS ACCOMPLISHING. FOR THIS REASON, MISSION PREPARED PROPOSED STATEMENT FOR USREP AT BOARD MEETING GIVING SOME ADDITIONAL US VIEWS ON THIS ACTIVITY, DRAWING ON GUIDANCE PREVIOUSLY SUPPLIED, AND PASSED COPIES TO UK, FRENCH AND FRG MISSIONS (COPY TRANSMITTED SEPAIRGRAM). APPARENTLY, THERE WAS SOME DIVERGENCE OF OPINION EVEN WITHIN FRG GOVERNMENT OVER THIS ACTIVITY, WITH FONMIN AND MINISTRY OF RESEARCH AND TECHNOLOGY (WHICH NORMALLY BACKSTOPS IAEA) GENERALLY IN FAVOR OF, (ALONG WITH FINANCE MINISTRY WHICH, AFTER A&B COMMITTEE SESSION, WAS RESIGNED TO) PROCEEDING WITH ACTIVITY AS PLANNED, WHILE MOI (FROM WHICH FRG SEXPERT CAME AND WHICH HAS OVERSIGHT UNCLASSIFIED

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OF REGULATION BY FEDERAL STATES OF NUCLEAR POWER IN FRG) REMAINED CONCERNED OVER PROPOSAL, UNTIL UK WAS HEARD FROM, FRG MISSION IN VIENNA DID NOT BELIEVE THAT THERE WAS SUFFICIENT FORCE BEHIND TRIPARTITE EXPERT DISCUSSION IN BRUSSELS TO LEAD TO SERIOUS EFFORT TO AMEND OR BLOCK ACTION ON PROGRAM DOCUMENT ITSELF. END FYI.

4. IN ORDER TO ASCERTAIN INTENT BEHIND PROPOSED AMENDMENTS,

COPY OF WHICH WAS SUPPLIED BY UK TO MISSION, MISOFFS MET WITH UK (GAUSDEN, NUCLEAR INSTALLATIONS INSPECTORATE) AND FRG (BERG, MOI TECHNICAL RULES AND GUIDELINES FOR NUCLEAR FACILITIES SECTION) EXPERTS ON AFTERNOON OF JUNE 11 WHILE BG IN SESSION TO DISCUSS PROPOSED AMENDMENTS IN DETAIL (BOTH EXPERTS HAD SERVED ON APRIL 1-5 HIGH LEVEL EXPERTS COMMITTEE WHICH PREPARED REPORT ON WHICH PROGRAM OF WORK FOR 1975 WAS BASED). PRIMARY CONCERN OF BOTH APPEARED TO CENTER AROUND TWO POINTS, BOTH OF WHICH STRUCK MISSION AS LARGELY IF NOT EXCLUSIVELY SEMANTIC. FIRST, BOTH EXPRESSED CONCERN THAT USE OF TERM QTE INTERNATIONALLY-ACCEPTABLE UNQTE APPLIED TO SAFETY STANDARDS IN DOCUMENT IMPLIED IN SOME WAY THAT THEY WOULD HAVE BINDING FORCE ON ALL MEMBER STATES OF AGENCY, OR THAT AT LEAST THEY WOULD HAVE PRESUMPTION OF VALIDITY WITH WHICH NATIONAL STANDARDS WHICH DIVERGED FROM THEM WOULD HAVE TO CONTEND. (ANOTHER FACTOR IS THIS, WHICH HAS PROBABLY BEEN RESOLVED, WAS FACT THAT PROGRAM TEXT TENDED TO PASS TOO LIGHTLY OVER DISTINCTION BETWEEN AGENCY PROJECTS, WHERE SUCH STANDARDS ARE MANDATORY BY STATUTE, AND AGENCY ADVICE AND ASSISTANCE TO MEMBERS, WHERE AGENCY MATERIALS CAN HAVE ONLY RECOMMENDATORY FORCE UNTIL AND UNLESS ADOPTED BY AFFIRMATIVE ACTION BY NATIONAL AUTHORITIES OF STATE CONCERNED.) SECOND, BOTH WERE CONCERNED THAT AGENCY MIGHT BE PROCEEDING TOO QUICKLY ON PREPARATION OF DETAILED SAFETY GUIDES, AND EXPRESSED SOME CONCERN THAT UK AND FRG MIGHT BE SWAMPED BY STANDARDS OF COUNTRIES WHERE PREPARATION OF SUCH STANDARDS WAS MORE

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ADVANCED (E.E., U.S.) THAN IN THEIR OWN CASES. UNDERLYING CONCERNS OF BOTH WAS FACT, WHICH THEY ADMITTED, THAT NEITHER UK NOR FRG HAD AS YET ANYTHING LIKE FULLY-DEVELOPED SET OF NATIONAL LWR SAFETY STANDARDS TO BRING TO THIS AGENCY ACTIVITY, AND NEITHER FELT THAT IT COULD EASILY SPARE THE EXPERIENCED PEOPLE FROM ITS NATIONAL REGULATORY EFFORT TO PARTICIPATE IN AGENCY PREPARATION OF SUCH STANDARDS, EITHER FOR ITSELF OR AS RECOMMENDED MATERIAL FOR DEVELOPING MEMBER STATES.

5. AFTER CONSIDERABLE DISCUSSION BASED ON THEIR AMENDMENTS AND DRAFT US STATEMENT, BOTH WERE PREPARED TO ACCEPT THAT THERE WAS SUFFICIENT AREA OF COMMON UNDERSTANDING (OBSCURED IN SOME CASES BY SOMEWHAT AWKWARD LANGUAGE OF AGENCY PROGRAM DOCUMENT ITSELF) WITH RESPECT TO THIS ACTIVITY TO PERMIT IT TO GO FORWARD IN DOCUMENT WAS SOMEWHAT MODIFIED; THEY REQUESTED THAT MISSION PREPARE REVISED SET OF POSSIBLE AMENDMENTS FOR DISCUSSION AT INFORMAL WORKING GROUP, OPEN TO ALL MEMBERS OF BOARD, WHICH HAD IN MEANTIME BEEN SCHEDULED BY BOARD, AT UK INITIATIVE, FOR FOLLOWING MORNING. COPIES OF AMENDMENTS UNCLASSIFIED

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PREPARED BY MISSION AND DISTRIBUTED AT MORNING MEETING, TRANSMITTED SEPAIRGRAM. (AMMONS/AEC ALSO HANDCARRIED COPIES BACK TO WASHINGTON)

6. FRENCH ROLE IN MATTER WAS CURIOUS, TO SAY LEAST. FRENCH HAD NO EXPERT COMPARABLE TO GAUSDEN OR BERG IN VIENNA, AND INFORMAL SESSION WITH US MISSION WAS ATTENDED ONLY PART-TIME BY FRENCH RESREP. AT THAT SESSION, LATTER HANDED US COPIES OF PROPOSED FRENCH COMPLETE REDRAFT OF ANNEX CONTAINING DESCRIPTION OF ACTIVITY (TRANSMITTED SEPAIRGRAM), BUT SAID HE PERSONALLY HAD NOT READ IT, AND WAS SURE THAT IT WAS LARGELY DENTICAL IN SUBSTANCE IN WITH UK/FRG AMENDMENTS WHICH WE HAD RECEIVED EARLIER. HE SAID HE WAS SURE HIS DEL DID NOT FEEL STRONGLY ABOUT PAPER, AND THAT IF SET OF AGREED AMENDMENTS TO ANNEX TEXT COULD BE PREPARED WHICH WOULD SATISFY UK AND FRG, HE WAS SURE FRENCH WOULD BE SATISFIED AS WELL. IN PREPARING ITS REVISIONS TO UK/FRG AMENDMENTS OVERNIGHT, MISSION DREW TO MAXIMUM EXTENT POSSIBLE ALSO ON FRENCH PAPER FOR LANGUAGE AND SUBSTANCE, WITHOUT SACRIFICING BASIC OBJECTIVE OF GETTING AGENCY STARTED ON PREPARING SAFETY STANDARDS GUIDES.

7. INFORMAL WORKING GROUP SESSION, HOWEVER, WAS DIFFERENT STORY. UK AND FRG WERE VIRTUALLY SILENT EXCEPT ON PARTICULAR DETAILS OF WORDING OF PARA J.144 OF PROGRAM OF WORK ITSELF, AND DID NOT APPEAR TO BE TRYING TO OBSTRUCT MATTERS IN LEAST, SINCE THEY APPEARED TO BE SATISFIED ON BASIS PREVIOUS DISCUSSIONS NOTED ABOVE THAT THEIR CONCERNS WOULD BE TAKEN CARE OF IN U.S. REDRAFT. FRENC, ON OTHER HAND, WERE REPRESENTED BY THEIR GOVERNOR (GOLDSCHMIDT), WHO EXPRESSED BEFUDDLEMENT AT WHEREABOUTS OF FRENCH PAPER, NOTED THAT IT HAD NOT BEEN DISCUSSED IN DETAIL PREVIOUSLY, AND OBJECTED TO ANY DISCUSSION AT ALL OF REVISED ANNEX TEXT WHICH US HAD PREPARED; GIST OF HIS OBJECTIONS WAS NOT SUBSTANTIVE, BUT HE TOOK EXCEPTION TO FACT THAT ANNEX HAD BEEN PREPARED BY SECRETARIAT ON BASIS OF HIGH-LEVEL EXPERTS COMMITTEE, SAID IT DID NOT FAIRLY REFLECT CONSENSUS OF THAT COMMITTEE, AND THAT IN ANY EVENT, THAT COMMITTEE HAD BEEN COMPOSED OF EXPERTS, SERVING AS INDIVIDUALS, RATHER THAN GOVERNMENTAL REPS, AND THAT ENTIRE MATTER SHOULD BE REVIEWED AGAIN BY GOVERNMENTAL OFFICIALS WITH POLICY RESPONSIBILITY BEFORE BOARD COULD EVEN CONSIDER ADOPTING IT.

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8. SWEDISH GOVERNOR (ALER), THEN SPOKE UP, NOTING THAT DOCUMENT HAD BEEN CIRCULATED SO LATE THAT HIS GOVERNMENT EXPERTS HAD NOT RPT NOT YET HAD OPPORTUNITY TO STUDY IT, AND THAT IN ANY EVENT, MATTER OF SUCH SERIOUS POLICY IMPORT SHOULD NOT RPT NOT BE DECIDED IN FORM OF ANNEX TO PROGRAM AND BUDGET DOCUMENT, BUT SHOULD BE MATTER FOR SEPARATE BOARD DISCUSSION AND DECISION BY ITSELF, PREFERABLY PRECEDED BY FURTHER DISCUSSION BY EXPERTS AND GOVERNMENTAL REPS. GOLDSCHMIDT, SEEING GOLDEN OPPORTUNITY, IMMEDIATELY CHIMED IN AND SAID HE COULD NOT UNDERSTAND IN AN EVENT WHY THERE WAS SUCH A RUSH, THAT HE FULLY AGREED WITH THE SWEDISH GOVERNOR AND HE URGED, THEREFORE, THAT MATTER BE POSTPONED UNTIL SEPTEMBER. AT THAT POINT, UK REP NOTED THERE WERE PROCEDURAL REASONS FOR NECESSITY OF BOARD ACTION ON PROGRAM AND BUDGET IN JUNE, INCLUDING APPROVAL OF BUDGET FOR THIS PROGRAM. AS POSSIBLE COMPROMISE, HOWEVER, UK REP PROPOSED THAT GROUP CONFINE ITSELF TO REVISING DESCRIPTION OF PROGRAM OF WORK (PARA J.144 IN PROGRAM AND BUDGET DOCUMENT) AND AGREE TO DELETE ANNEX FROM PROGRAM AND BUDGET DOCUMENT, PENDING REVIEW BY MEETING TO BE CONVENED BY DG AND RE-SUBMISSION TO SEPTEMBER BOARD AS SEPARATE MATTER FOR DECISION. GOLDSCHMIDT AGREED TO THIS APPROACH AND OTHERS QUICKLY FELL IN LINE. THUS, THERE WAS NO RPT NO ATTEMPT EVEN TO DISCUSS OR CONSIDER REVISED DRAFT OF ANNEX PREPARED BY U.S., AND ATTENTION WAS, THEREFORE, FOCUSED SOLELY ON PARA J.144.

9. PERHAPS NOTABLY, IN VIEW A&B DISCUSSION THIS SUBJECT, NO ONE RAISED QUESTION, INFORMALLY OR AT BOARD, REGARDING FUNDS BUDGETED FOR THIS ACTIVITY (IAEA VIENNA 4348) WHICH WERE

APPROVED IN ROUTINE MANNER.

10 COMMENT: AFTER MATTERS DESCRIBED ABOVE TERMINATED, MISSION INFORMALLY INQUIRED OF UK AND FRG EXPERTS WHETHER NEW SET OF AMENDMENTS PREPARED BY MISSION, BUT NOT RPT NOT ADDRESSED IN WORKING GROUP, HAD SATISFIED THEIR CONCERNS. UK EXPERT SAID THAT, SUBJECT TO FURTHER DETAILED STUDY, REVISION LOOKED FINE TO HIM AND FELT THAT UK CONCERNS COULD BE SATISFIED BY SOMETHING ALONG THESE LINES; HE DID NOT PRT NOT SEE MAJOR DIFFERENCES IN

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FM USMISSION IAEA VIENNA

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SUBSTANCE OR CONCEPT BETWEEN US AND UK AT END THIS DISCUSSION.

11. FRG EXPERT REMAINED SOMEWHAT MORE DUBIOUS ABOUT MATTER. HE AGREED THAT THERE WAS NO SUBSTANTIAL DISAGREEMENT OVER DESIRABILITY OF EFFORT TO PREPARE AND REACH GENERAL AGREEMENT UPON PROPOSED CODES OF PRACTICE, BUT REMAINED CONCERNED THAT SAFETY GUIDES PORTION OF EXERCISE MIGHT A) DEMAND MORE EXPERT TIME THAN FRG HAD TO GIVE, B) END UP WEIGHTED IN FAVOR OF US STANDARDS

WHERE FRG HAD NONE TO OFFER ITSELF, AND C) REPRESENTED CHANGE IN PROCEDURE WHEREBY PREVIOUS AGENCY SAFETY GUIDES HAD BEEN PREPARED OVER PERIOD OF TIME BY EXPERTS AND PUBLISHED AS PART OF AGENCY'S SAFETY SERIES, IN CONTRAST TO PROPOSED PROGRAM, WHICH WAS QUITE BROAD IN SCOPE AND SEEMED TO INVOLVE A MORE FORMAL AGENCY STAMP OF APPROVAL, IN ADDITION TO SIMPLY PUBLISHING THEM. HE DID SAY, HOWEVER, THAT MANY OF HIS INITIAL CONCERNS HAD BEEN RESOLVED. WHILE US AND FRG CONCEPTIONS OF THIS EXERCISE MAY STILL

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DIFFER QUITE A BIT IN TERMS OF SCOPE AND TIMING, BERG DID NOT APPEAR TO FEEL THAT THERE WAS ANY GREAT GAP ON OBJECTIVE OF ULTIMATELY PREPARING SAFETY GUIDES, AT LEAST ON SUBJECTS WHERE MUTUAL AGREEMENT AMONG MAJOR NUCLEAR INDUSTRIAL STATES COULD BE REACHED. MISSION HAD DECIDED FEELING THAT FURTHER DISCUSSION WITH BERG BY APPROPRIATE US EXPERTS IN SUBJECT WOULD PROVE QUITE FRUITFUL IN ELIMINATING HIS CONCERNS IF REALITY TO HIM OF THESE CONCERNS IS KEPT STRONGLY IN MIND.

12. AS IS EVIDENT FROM ABOVE, MISSION FEELING WAS THAT FRENCH ROLE IN THIS MATTER WAS DELIBERATELY OBSTRUCTIONIST. SWEDISH OBJECTIONS HAD SOME BASIS, CONSIDERING THAT THEY HAD NOT BEEN INVITED TO APRIL PANEL AND DOCUMENT WAS CIRCULATED QUITE LATE. THUS, SWEDEN WAS PROBABLY NOT ALONE IN APPRECIATING ADDITIONAL TIME TO CONSIDER MATTER THOROUGHLY. BUT FRENCH OBJECTION THAT DOCUMENT OF THIS SCOPE SHOULD BE SEPARATE POLICY MATTER FOR BOARD, RATHER THAN ANNEX TO PROGRAM OF WORK, WAS PARTICULARLY EGREGIOUS, SINCE DOCUMENT WAS PUT TO BOARD AS ANNEX TO PROGRAM AND BUDGET DOCUMENT LARGELY TO DOWNPLAY IT AND ALLEVIATE EARLIER EXPRESSED CONCERNS BY FRENCH WITH ACTIVITY, AND AFTER VERY EXTENSIVE INFORMAL CONSULTATIONS BETWEEN DG EKLUND AND GOLDSCHMIDT. MISSION FEELING AT THIS POINT IS THAT JULY 1-5 MEETING COULD DO GREAT DEAL TO CLEAR AIR AMONG QUARTERS IN OTHER GOVERNMENTS WHICH REMAIN SUSPICIOUS OF SCOPE, OBJECTIVES OR RATE OF IMPLEMENTATION OF THIS ACTIVITY. HOWEVER, MISSION ALSO FEELS THAT CHANCES ARE GOOD THAT FRENCH WILL CONTINUE TO TRY TO OBSTRUCT MATTERS TO EXTENT THEY CAN, AND THAT THERE IS CHANCE THAT BOARD IN SEPTEMBER WILL HAVE TO DECIDE WHETHER IT WANTS TO PROCEED OVER FRENCH OBJECTIONS. ASSUMING THAT UK AND FRG CAN BE BROUGHT ALONG, MISSION FEELING AT THIS TIME IS THAT IT SHOULD. WE ASSUME, HOWEVER, FRENCH WILL TRY AGAIN TO ORGANIZE "COMMUNITY" POSITION TO KEEP FRG AND UK IN LINE WITH THEIR VIEW. PORTER

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